THE HONBLE SRI JUSTICE GODA RAGHURAM

W.P.No.12423 of 2007

Date 19.06.2007

Between:
Mamidi Ranga Rao.

..... PETITIONER

AND

Vijayawada Municipal Corporation, rep. By its Commissioner,
Jawaharlal Nehru Buildings.

.....RESPONDENT

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.12423 of 2007

ORAL ORDER:

On instructions from the respondent-Municipal Corporation, Smt G.Jhansi, the learned standing counsel for the Municipal Corporation, submits that the petitioner's apprehension as reflected in the writ petition that the respondent-Corporation would demolish the structures and dispossess the petitioner from his property bearing
D.No.18-8-29/B of Kedareswarapet, Vijayawada Municipal Corporation, is without basis. The respondent would do no such thing.

If the respondent desires to acquire the property aforesaid for any public purpose, it is undertaken on behalf of the respondent by the learned standing counsel that the respondent would do so in accordance with the provisions of the Land Acquisition Act, 1894 or of the Hyderabad Municipal Corporation Act as applicable to the Vijayawada Municipal Corporation. Alternatively, the learned standing counsel submits that the respondent may negotiate with the petitioner for handing over the property on equal terms and would not coerce the petitioner into a settlement on threat of his dispossession.

In view of the categorical submission and undertaking given on behalf of the respondent, the petitioner need have no apprehension.

If the respondent or any other public official attempts to dispossess the petitioner except in accordance with law or endeavours to criminally trespass into his property, the petitioner is always at liberty to complain to the nearest police station about such offensive conduct and insist that the police register a complaint against such public officer. The police are bound to

register the complaint. The petitioner has also another remedy, of approaching the civil Court of competent jurisdiction for injunctive relief against any illegal activity by any public official. The petitioner has yet another remedy to exercise the right of private defence.

In the light of the availability of a plurality of remedies and in the context of the undertaking by the learned standing counsel for the respondent, no further orders are necessary.

Recording the undertaking on behalf of the Municipal Corporation, the writ petition is disposed of. No order as to costs.

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GODA RAGHURAM, J

Date: 19-06-2007
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